

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

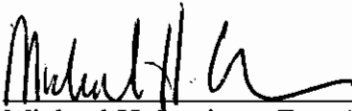
RICHARD MARINO,	:	
	:	
Plaintiff,	:	Case No. 07-cv-7726 (RJH)(DFE)
	:	
v.	:	ECF CASE
	:	
GLOBAL CAPITAL HOLDINGS MANAGEMENT, LLC and JOSEPH PALLADINO,	:	<u>APPLICATION FOR CERTIFICATE OF DEFAULT</u>
	:	
Defendants.	:	
	:	
	:	
	:	

**TO: J. MICHAEL MCMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Please enter the default of Defendants Global Capital Holdings Management, LLC and Joseph Palladino, pursuant to Rule 55(a) of the Federal Rules of Civil procedure and Local Civil Rule 55.1 for failure to plead or otherwise defend the above-captioned action as fully appears from the court file herein and from the attached affidavit of Michael H. Levison, sworn to October 9, 2007.

Dated: New York, New York
October 9, 2007

DAY PITNEY LLP
Attorneys for Plaintiff Richard Marino

By: 
Michael H. Levison, Esq. (ML 8303)

7 Times Square
New York, NY 10036-7311
Telephone: (212) 297-5800
Facsimile: (212) 916-2940

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD MARINO,	:	
	:	
Plaintiff,	:	Case No. 07-cv-7726 (RJH)(DFE)
	:	
v.	:	ECF CASE
	:	
GLOBAL CAPITAL HOLDINGS MANAGEMENT, LLC and JOSEPH PALLADINO,	:	<u>AFFIDAVIT</u>
	:	
Defendants.	:	
	:	
	:	
	:	

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MICHAEL H. LEVISON, being duly sworn, deposes and says:

1. I am counsel at the firm Day Pitney LLP, attorneys for Plaintiff Richard Marino (“Marino”).

2. I have personal knowledge of the facts and circumstances set forth herein, except for matters stated on information and belief, and as to those matters, I believe the information to be true. If called as a witness, I could and would competently testify to the matters set forth herein.

3. I submit this Affidavit in support of Marino’s application for a certificate of default by the clerk pursuant to Local Civil Rule 55.1.

4. Annexed hereto as Exhibit “A” is a copy of the affidavit of Yariela Gonzales attesting that Defendant Global Capital Holdings Management, LLC (“GCHM”) was properly

served with, *inter alia*, a Summons and Complaint naming it as a defendant on September 11, 2007.

5. Annexed hereto as Exhibit "B" is a copy of the affidavit of Yariela Gonzales attesting that Defendant Joseph Palladino ("Palladino") was properly served with, *inter alia*, a Summons and Complaint naming him as a defendant on September 11, 2007, and further attesting, upon information and belief, that he is not in the military.

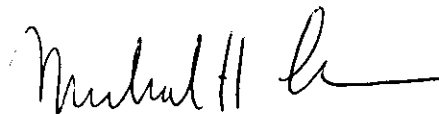
6. Pursuant to Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure, both GCHM and Palladino were required to serve an Answer upon Marino within twenty (20) days of being served with the Summons and Complaint.

7. More than twenty (20) days have passed since September 11, 2007, and there have been no responsive pleadings filed by either GCHM or Palladino.

8. Based on the forgoing, it is clear that GCHM and Palladino have failed to plead or otherwise defend in this case as required by the Federal Rules of Civil Procedure and the local rules of this Court.

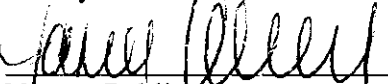
9. Thus, GCHM and Palladino are in default as defined in Rule 55(a) of the Federal Rules of Civil Procedure.

10. It is therefore appropriate for the Clerk of this Court to issue a certificate of default and/or a notation of default as against GCHM and Palladino in the form annexed hereto as Exhibit "C"



MICHAEL H. LEVISON

Sworn to before me this
9th day of October, 2007



Notary Public
JANA C. SIQUEIRA
NOTARY PUBLIC OF NEW JERSEY
in Union County
My Commission Expires 09/25/2009

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 07CIV7726

RICHARD MARINO

, Plaintiff(s)

- against -

GLOBAL CAPITAL HOLDINGS MANAGEMENT, LLC AND JOSEPH PALLADINO

, Defendant(s)

State of New York }

County of New York }

ss.:

AFFIDAVIT OF SERVICE

Yariela Gonzales being duly sworn, deposes and says that she is over the age of 18 years; is not a party to this action and resides within the State of New York. That on 09/11/2007 at 8:37 PM at the residence of:

JOSEPH PALLADINO
75 WEST END AVENUE
NO. C., APT. 15-J
NEW YORK NY 10023

Deponent served the:

SUMMONS IN CIVIL ACTION & COMPLAINT
INDIVIDUAL PRACTICES OF JUDGE RICHARD J. HOWELL
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON
PROCEDURE FOR ELECTRONIC CASE FILING

on GLOBAL CAPITAL HOLDINGS MANAGEMENT, LLC

a domestic and/or foreign corporation
by delivering thereat true copies to Joseph Palladino
personally, deponent knew said corporation so served to be the corporation.
described in same as said recipient and knew said individual to be the
Managing Agent and who stated that they were
authorized to accept service thereof.

Deponent describes the individual served as follows:

AGE: 40 HEIGHT: 5'2" WEIGHT: 165 HAIR: NONE RACE: WHITE SEX: MALE

Yariela Gonzales

Yariela Gonzales License #1260358

SWORN TO BEFORE ME

9-13-07
Johnyshe Santana

OUR DOC# 19332
Day Pitney LLP
7 Times Square
20th Floor
New York NY 10036
212-297-5800
408494.121773

Johnyshe Santana
Notary Public, State of New York
No. 018A6100179
Qualified in New York County
Commission Expires 06/11/2011

Exhibit B

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 07CV7726

RICHARD MARINO

, Plaintiff

- against -

GLOBAL CAPITAL HOLDINGS MANAGEMENT, LLC AND JOSEPH PALLADINO

, Defendant

State of New York)
) SS.:
County of New York)

AFFIDAVIT OF SERVICE

Yariela Gonzales being duly sworn, deposes and says that she is over the age of 18 years; is not a party to this action and resides within the State of New York. That on 09/11/2007 at 8:29 PM at:
75 WEST END AVENUE
NO. C. APT 15- J.
NEW YORK NY 10023

Deponent served the:

SUMMONS IN CIVIL ACTION & COMPLAINT
INDIVIDUAL PRACTICES OF JUDGE RICHARD J. HOWELL
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE EATON
PROCEDURE FOR ELECTRONIC CASE FILING
upon JOSEPH PALLADINO, by delivering true copies to recipient personally, deponent knew the person so served to be the person described as said recipient therein.

To the best of my knowledge, based on information and belief, the said recipient at the time of service was not engaged in the military service of the United States or New York. Recipient wore ordinary civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 40 HEIGHT: 5'2" WEIGHT: 165 HAIR: OTHER RACE: WHITE SEX: MALE

Yariela Gonzales
Yariela Gonzales License #1260358

SWORN TO BEFORE ME

9-12-07

Johnysa Santana

Johnysa Santana
Notary Public, State of New York
No. 01SA6166179
Qualified in New York County
Commission Expires 06/11/2011

OUR DOC# 19333
Day Pitney LLP
7 Times Square
20th Floor
New York NY 10036
212-297-5800
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD MARINO,	:	
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Plaintiff,	:	Case No. 07-cv-7726 (RJH)(DFE)
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GLOBAL CAPITAL HOLDINGS MANAGEMENT, LLC and JOSEPH PALLADINO,	:	<u>CERTIFICATE OF DEFAULT</u>
	:	
Defendants.	:	
	:	
	:	
	:	

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that Defendants Global Capital Holdings Management, LLC and Joseph Palladino have not filed an Answer or otherwise moved with respect to the Complaint herein. The default of Defendants Global Capital Holdings Management, LLC and Joseph Palladino is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York
_____, 2007

J. MICHAEL MCMAHON
Clerk of Court

By: _____
Deputy Clerk